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### **Via Electronic Mail**

The Honorable Vincent F. Papalia  
United States Bankruptcy Judge  
District of New Jersey  
50 Walnut Street, Courtroom 3B  
Newark, New Jersey 07102

Re: **Bed Bath & Beyond, Inc.,  
Case No. 23-13359 (VFP)  
Stay Relief Motions and Personal Injury Claim  
Estimation Procedures**

Dear Judge Papalia:

This firm represents Michael Goldberg in his capacity as the Plan Administrator (the "Plan Administrator") to 20230930-DK-Butterfly-1, Inc. (f/k/a Bed Bath & Beyond, Inc.). This correspondence is in furtherance of Your Honor's request from the bench during yesterday's hearing on the following matters: (i) *Motion of Penelope Duczkowski and Joseph Duczkowski for Relief from the Automatic Stay Pursuant to 11 U.S.C. § 362* [Docket No. 2679] and *Amended Motion for Relief from Stay* [Docket No. 2723], and (ii) *Notice of Motion for an Order Modifying the Automatic Stay and Plan Injunction to Allow Movant to Continue Pending Litigation Against the Debtor, to Recover Solely Against Debtor's Insurer, Waiving the Provisions of Fed. R. Bankr. P. 4001(a)(3) and for Related Relief* [Docket No. 2936] (collectively, with Docket Nos. 2679 and 2723, the "Motions").

Per Your Honor's direction, the parties, including (i) the Plan Administrator, (ii) movant Alfred Zeve, (iii) movants Penelope Duczkowski and Joseph Duczkowski, and (iv) Safety National Casualty Corp., each by and through their respective counsel (collectively (i)-(iv), the "Parties"), have agreed to work in good faith for the purpose of proposing personal injury claim estimation and



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resolution procedures (the “Estimation Procedures”) in an effort to efficiently and expeditiously resolve personal injury claims asserted in the above-referenced cases.

The Parties will file a joint status report with the Court by no later than July 9, 2024, and will use all reasonable efforts to have the Estimation Procedures filed simultaneously therewith. To the extent any party has concerns with a lack of good faith cooperation or other issues pertinent to the Estimation Procedures, such party may write a two-three page letter to the Court, with an email copy to other parties, and other parties will have two (2) business days to respond with a similar writing. To the extent the Parties are not able to resolve their issues consensually, the Court may schedule a telephonic hearing at its earliest possible availability.

The Court has provided July 23, 2024, at 2:30 p.m. as a status conference on the Estimation Procedures and as a carry date on the Motions.

Respectfully submitted,

*/s/ Paul J. Labov*

Paul J. Labov

PJL

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